

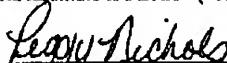
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AN 2002.00

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April 23, 2004

  
Peggy Nichols**RECEIVED  
CENTRAL FAX CENTER****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****APR 23 2004**

In re Application for:

Kin-Ping WONG

Serial No.: 10/016,977

Filing Date: December 12, 2001

For: COMPOSITIONS CONTAINING AN  
ACTIVE FRACTION ISOLATED  
FROM *SCUTELLARIE BARBATAE*  
AND METHODS OF USE

Examiner: Coe, Susan D.

Group Art Unit: 1654

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION FORWARDING COPY OF AMENDMENT AND RESPONSE  
TO FINAL OFFICE ACTION FILED FEBRUARY 26, 2004**

Dear Sir:

This Communication is submitted in response to the Examiner's telephonic request for a facsimile copy of the Amendment and Response is submitted in reply to the Final Office Action issued on February 26, 2004, for the subject application. Accordingly, enclosed is a copy of all papers filed on that date. Also included is a copy of the postcard receipt showing the U.S. Patent Office mailroom stamp dated March 1, 2004.


If the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing billing number

AN 7009682001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account. Should a telephone advance prosecution of the subject application, the Examiner is invited to contact the undersigned at (650) 849-4950.

DATE: April 23, 2004

Respectfully submitted,

By: \_\_\_\_\_

  
Antoinette F. Konski  
Registration No.: 34,202

Bingham McCutchen LLP  
Formerly McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4950  
Telefax: (650) 849-4800

PTO/SB/21 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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|   |    |                        |                   |
|---|----|------------------------|-------------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) |    | Application Number     | 10/016,977        |
|   |    | Filing Date            | December 12, 2001 |
|   |    | First Named Inventor   | Ken-Ping Wong     |
|   |    | Art Unit               | 1654              |
|   |    | Examiner Name          | Susan D. Coe      |
| Total Number of Pages in This Submission  | 12 | Attorney Docket Number | AN 2002.00        |

| ENCLOSURES (check all that apply)  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Receipt Postcard |
| Remarks  |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                           |
|--|---------------------------|
| Firm or Individual name                    | Bingham McCutchen LLP     |
| Signature                                  | <i>Antoinette Skanski</i> |
| Date                                       | February 26, 2004         |

| CERTIFICATE OF MAILING  |                      |      |                   |
|---|----------------------|------|-------------------|
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| Typed or printed name   | Peggy Nichols        |      |                   |
| Signature   | <i>Peggy Nichols</i> | Date | February 26, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (08-03)


Approved for use through 07/31/2008. OMB 0651-0031

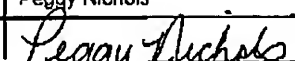
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |                      |                        |            |
|---|----------------------|------------------------|------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 10/016,977             |            |
|   | Filing Date          | December 12, 2001      |            |
|   | First Named Inventor | Kin-Ping Wong          |            |
|   | Art Unit             | 1654                   |            |
|   | Examiner Name        | Coe, Susan D.          |            |
| Total Number of Pages in This Submission  | 16                   | Attorney Docket Number | AN 2002.00 |

| ENCLOSURES (check all that apply)  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Communication Forwarding Copy of Amendment and Response to Final Office Action Filed February 26, 2004. |
| Remarks  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Bingham McCutchen LLP<br>Anginette F. Konski  |
| Signature                                  |  |
| Date                                       | April 23, 2004  |

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| Typed or printed name  | Peggy Nichols   | Date | April 23, 2004 |
| Signature  |  |      |                |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 640

Complete if Known

Application Number 10/018,977

Filing Date December 12, 2001

First Named Inventor Kin-Ping WONG

Examiner Name Coe, Susan D.

Art Unit 1654

Attorney Docket No. AN 2002.00

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

50-2518

Deposit  
Account  
Name

Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 770      | 2001         | 385      | Utility filing fee     |          |
| 1002         | 340      | 2002         | 170      | Design filing fee      |          |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |          |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |          |
| 1005         | 180      | 2005         | 80       | Provisional filing fee |          |

SUBTOTAL (1)

(\$ 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20                 | 0            | 0              | 0        |
| Independent Claims | 3            | 0              | 0        |
| Multiple Dependent |              |                | 0        |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 08       | 2201         | 43       | Independent claims in excess of 3                          |
| 1203         | 260      | 2203         | 149      | Multiple dependent claims, if not paid                     |
| 1204         | 66       | 2204         | 43       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$ 0

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 2053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 2812         | 2,520    | For filing a request for reexamination                                     |          |
| 1804         | 920*     | 2804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 2805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 420      | 2252         | 210      | Extension for reply within second month                                    |          |
| 1253         | 850      | 2253         | 475      | Extension for reply within third month                                     | 475      |
| 1254         | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |          |
| 1255         | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |          |
| 1401         | 330      | 2401         | 165      | Notice of Appeal   | 165      |
| 1402         | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |          |
| 1403         | 250      | 2403         | 145      | Request for oral hearing   |          |
| 1451         | 1,510    | 2451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,330    | 2453         | 665      | Petition to revive - unintentional   |          |
| 1501         | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |          |
| 1502         | 480      | 2502         | 240      | Design issue fee   |          |
| 1503         | 640      | 2503         | 320      | Plant issue fee  |          |
| 1460         | 130      | 2460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 2807         | 50       | Processing fee under 37 CFR 1.17 (g)                                       |          |
| 1806         | 180      | 2806         | 180      | Submission of Information Disclosure Sheet                                 |          |
| 8021         | 40       | 28021        | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 2802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 640

## SUBMITTED BY

| Name (Print/Type) | Registration No. (Attorney/Agent) | Telephone      | Date              |
|-------------------|-----------------------------------|----------------|-------------------|
| Annette F. Kinski | 34,202                            | (850) 849-4930 | February 28, 2004 |
| Signature         |                                   |                |                   |

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Express Mail No.  
Date Delivered

February 26, 2004

Due Date:  
Docket No./  
Billing No.:

March 15, 2004  
AN 2002.00  
2023888-7009682001

afk/pn

Applicant(s):  
Title:

Kin-Ping WONG  
Compositions Containing an Active Fraction Isolated From Scutellaria  
Barbatae and Methods of Use

Serial No.:

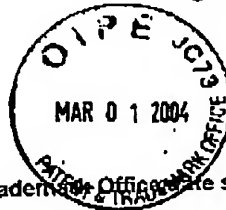
10/016,977

Filing Date:

December 12, 2001

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1. Transmittal Form (1 pg);
2. Fee Transmittal in duplicate for fee processing (2 pgs);
3. Notice of Appeal (1 pg);
4. Petition for Extension of Time (3 months) (1 pg);
5. Amendment and Response to Final Office Action (7 pgs) and Return Postcard

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APR 23 2004

## Facsimile

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DATE March 24, 2004

Bingham McCutchen LLP  
1900 University Avenue  
East Palo Alto, CA  
94303-2223650.849.4400  
650.849.4800 fax

bingham.com

Boston  
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Walnut Creek  
Washington

|    | NAME   | FAX            | PHONE |
|----|--|----------------|-------|
| TO | Art Group Unit 1654<br>Attn: Examiner Susan D. Coe | (703) 872-9306 |       |

|      |   |                |                |
|------|---|----------------|----------------|
| FROM | Antoinette F. Konski<br>antoinette.konski@bingham.com | (650) 849-4800 | (650) 849-4950 |
|------|---|----------------|----------------|

PAGES (INCLUDING THIS COVER PAGE): 17

RE Communication  
U.S. Application Serial No.: 10/016,977

## MESSAGE

This facsimile consists of the following:

Fax Cover Sheet (1 pg);  
Transmittal Form (1 pg);  
Communication Forwarding Copy of Amendment and  
Response to Final Office Action Filed February 26, 2004 (15 pgs)

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| Client/Matter Name: |               |                   |             |                 |
| Return To:          | Peggy Nichols | Floor No:         |             |                 |

PA:52127214.1/2011111-211111111

4/23/04 12:19 PM